

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JOHN DEUTSH,

Plaintiff,

V.

MINICOZZI REAL ESTATE INC.,

Defendant.

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1-15-CV-741 RP

**ORDER**

On August 24, 2015 Plaintiff John Deutsh filed this action, naming as sole defendant Minicozzi Real Estate, Inc.. The return of service indicates Defendant was served on August 26, 2015. To date, however, Defendant has not made an appearance in this action. On September 18, 2015, Plaintiff filed a request for entry of default by the clerk. The clerk entered default on September 22, 2015.

Under the Local Rules, if a defendant is in default, the court may require the plaintiff to move for a default judgment. If the plaintiff fails to do so within the prescribed time, the court may dismiss the action, without prejudice, as to that defendant. Local Court Rules Rule CV-55. To date, Plaintiff has not filed a motion for default judgment in compliance with Rule 55(b) of the Federal Rules of Civil Procedure.

Accordingly, Plaintiff is hereby ORDERED to move for default judgment against Defendant **on or before October 13, 2015**. Plaintiff is also admonished that failure to do so will result in a recommendation that this action be dismissed as to Defendant. See FED. R. CIV. P. 41(b) (action may be dismissed for want of prosecution or failure to comply with court order); *Larson v. Scott*,

157 F.3d 1030, 1031 (5th Cir. 1998) (district court has authority to dismiss case for want of prosecution or failure to comply with court order).

**SIGNED** on September 30, 2015.

A handwritten signature in blue ink, appearing to read "R. Pitman", with a long horizontal flourish extending to the right.

ROBERT L. PITMAN  
UNITED STATES DISTRICT JUDGE